



**Report of the State's Attorney for the  
Judicial District of Danbury on the  
Shooting Death of a Minor in New Fairfield,  
Connecticut on September 27, 2012**

**OFFICE OF THE STATE'S ATTORNEY  
JUDICIAL DISTRICT OF DANBURY  
Stephen J. Sedensky III, State's Attorney**

**March 14, 2014**

## INTRODUCTION

On Thursday, September 27, 2012, T.G., age 15, died after being shot by his adopted father, Jeffrey Giuliano.<sup>1</sup> This occurred in the area of 7 Meetinghouse Hill Circle, New Fairfield, CT, at approximately 1:00 a.m.

An investigation into the shooting was conducted by the Connecticut State Police Western District Major Crime Squad. The Connecticut State Police Central District Major Crime Squad van unit, the New Fairfield Police Department, the Department of Emergency Services and Public Protection Division of Scientific Services Forensic Science Laboratory and the Office of the Chief Medical Examiner assisted with the investigation.

Connecticut General Statute (C.G.S.) Sec. 51-286a(a) states in relevant part, “Each state's attorney . . . shall diligently inquire after and make appropriate presentment and complaint to the Superior Court of all crimes and other criminal matters within the jurisdiction of the court or in which the court may proceed . . . .”

In accordance with the above statute, I have reviewed the investigation into the shooting death of T.G. to determine whether any further action by the Division of Criminal Justice should be taken. While no report is statutorily required, given the circumstances of this case, I have determined that one should be issued. It is my conclusion, upon review of the investigation, that Jeffrey Giuliano's use of deadly force against T.G. was justified. Accordingly, no criminal charges will be brought in connection with this matter.

## CIRCUMSTANCES OF THE INCIDENT

### *THE SHOOTING*

On Thursday, September 27<sup>th</sup> at approximately 1:00 a.m. the adult female resident of 7 Meetinghouse Hill Circle, heard noises that led her to believe someone was attempting to break into her home. Alone and frightened, she called and woke her brother Jeffrey Giuliano, age 44, who lived next door at 9 Meetinghouse Hill Circle, telling him that she believed someone was trying to break into her home. *See Photo 1*. Giuliano could tell his sister was frightened. He was aware of a recent sexual assault that had occurred in New Fairfield and that the perpetrator was still at large. Believing that she might be in danger, he retrieved a Glock model 21C .45 caliber handgun from his gun safe and went outside through the front door of his home. Jeffrey Giuliano had the appropriate permit for the weapon.

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<sup>1</sup> Because of T.G.'s age, the name will not be included as part of this report.

Photo 1. 7 and 9 Meetinghouse Hill Circle, New Fairfield, CT (05)



Lighting was dim as there are no street lights on Meetinghouse Hill Circle. Giuliano walked across his lawn toward his sister's house. As he approached her driveway, he observed a person, later identified as T.G., on his sister's front porch. The person was illuminated by an overhead porch light. Giuliano did not recognize the person, who was dressed all in black and was wearing a ski mask over his face. The person was manipulating the lock on the front door in an apparent attempt to gain entry into the home.

The person became aware of Giuliano's presence and turned his head towards Giuliano. He then jumped off the porch, proceeded down the walkway and became hidden from view by a 2006 Jeep Commander that was parked in the driveway. As Giuliano walked toward the passenger side of the vehicle, the person came across the front of the vehicle. Giuliano yelled, "Freeze!" At that point, Giuliano noticed a small, metallic, object in the person's hand. Giuliano believed that the object was a gun or a knife. Giuliano yelled, "Drop it!" The person growled in an aggressive manner and stepped towards Giuliano, who was approximately 44 feet away.

Giuliano, believing his life was in imminent danger, fired his gun at the person and moved backwards as he fired. Giuliano heard echoes of his own gunshots as he fired and believed the person was returning fire. Giuliano discharged 7 rounds and fell backward landing on the driveway pavement. The person also fell to the ground and Giuliano could see blood in the driveway. Giuliano yelled to his sister, who had come outside, to call 9-1-1.

#### *EMERGENCY RESPONSE AND IDENTIFICATION OF T.G. AS THE PERSON SHOT*

Members of the Connecticut State Police and New Fairfield Police Department were dispatched to 7 Meetinghouse Hill Circle at approximately 1:03 a.m. for a report of a home invasion with shots fired. Upon arrival, T.G. was observed lying on his side in front of the Jeep Commander dressed in a black knit mask with eye holes, a black sweat shirt, black pants, black sneakers with white ankle socks and black gloves. T.G. had a flip-style knife, with its blade open, in his right

hand. *See Photo 2.* He was bleeding profusely and breathing faintly. New Fairfield Officer Joseph D'Imperio kicked the knife out of T.G.'s hand for safety. New Fairfield Company A Ambulance responded to the scene. T.G. was pronounced dead at 1:18 a.m. Shortly after the shooting, Giuliano's wife discovered that T.G. was missing from their home. T.G. was later positively identified as the previously unknown person that Giuliano had shot.

Photo 2 Knife from T.G. (125)



### *SCENE PROCESSING*

The scene was processed by members of the Central District Major Crime Squad van unit. Items seized included a Glock model 21C .45 caliber handgun with a 10 round capacity magazine containing one .45 cal. round. *See Photo 3.* This was recovered near Mr. Giuliano outside of the home at 7 Meetinghouse Hill Circle. Recovered from Mr. Giuliano's home in a gun safe was a Glock model 19, 9 mm handgun. Also seized from the scene were expended shell casings, bullet projectiles, and bullet fragments. It was determined from the ammunition count that Giuliano had fired 7 rounds from his gun, the Glock model 21C .45 cal. The shell casings were found approximately 43.5 feet from the T.G.'s body. A total of 11 bullet strikes were noted, excluding strikes to T.G.'s body. The difference between the number of expended shell casings and the number of bullet strikes is explained by a single bullet projectile creating multiple strikes during its travel. *See Diagrams 1 and 2.*

Photo 3. Glock Model 21C .45 cal., magazine and cartridge (103)



Diagram 1. 7 and 9 Meetinghouse Hill Circle

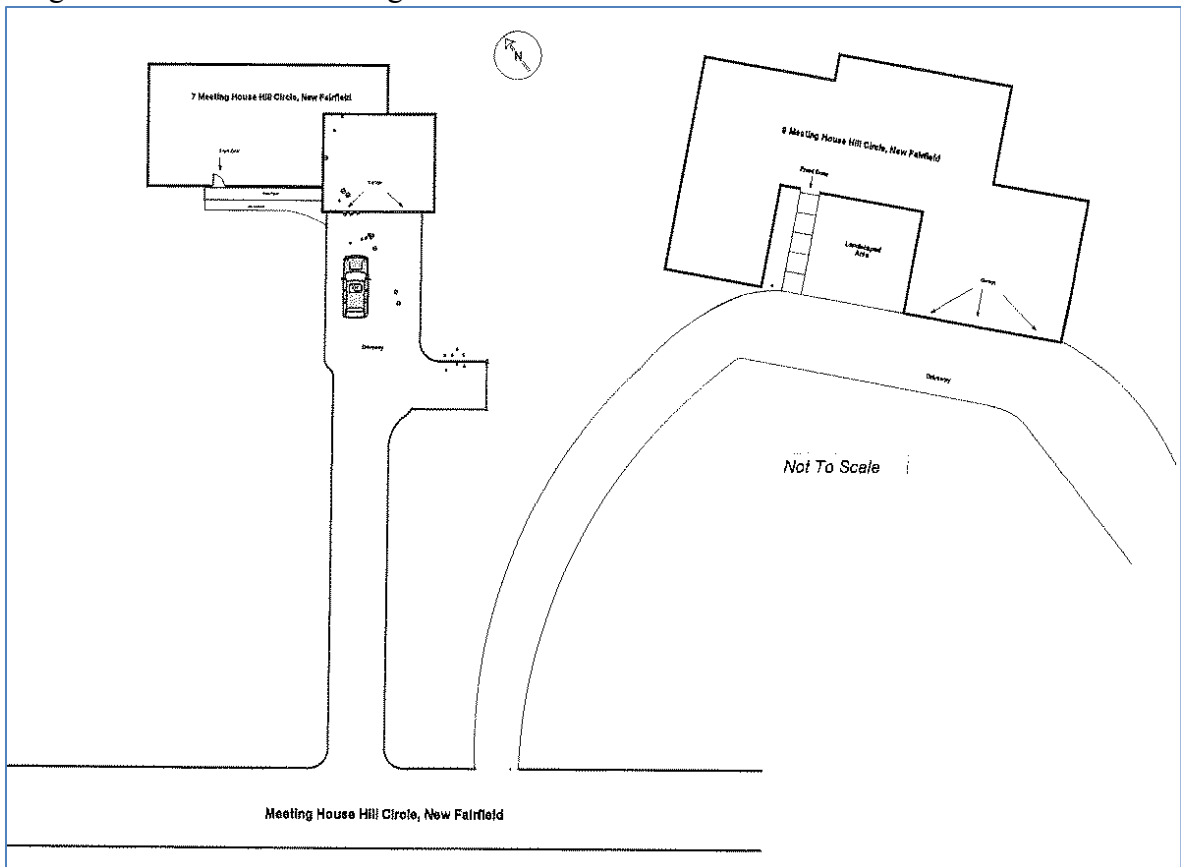
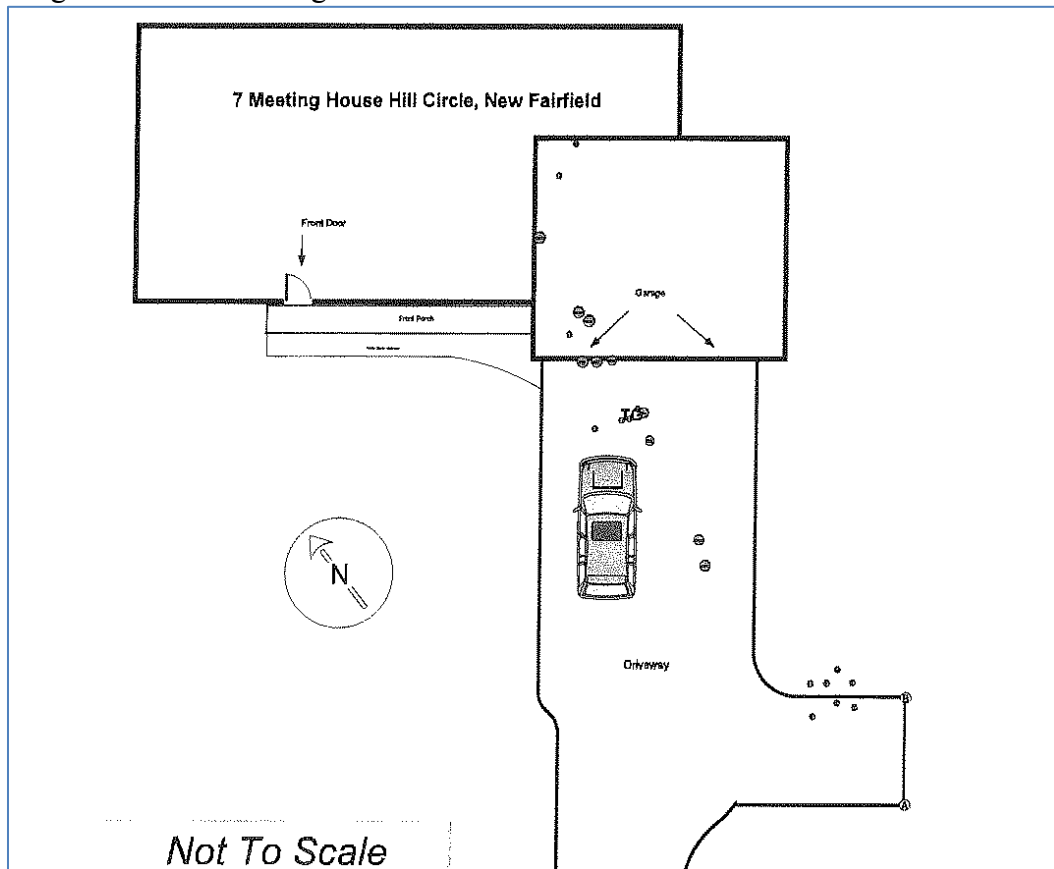




Diagram 2. 7 Meetinghouse Hill Circle



Also seized were an army-green tactical style flashlight and the clothing that T.G. and Giuliano were wearing. Seized in the area where T.G. was laying was the knife T.G. had, a “Frost-Cutlery” brand stainless steel flip-style knife with an approximate 3 ½ inch cutting blade and a roll of gray duct tape. The duct tape was located under T.G.’s left arm. T.G.’s body, evidence seized, and the area where the shooting occurred were photographed.

#### *AUTOPSY RESULTS*

An autopsy of T.G.’s body was conducted on September 28, 2012 by Dr. Frank Evangelista of the Office of the Chief Medical Examiner. The cause of death was determined to be multiple gunshot wounds. A total of 3 gunshot wounds were located on T.G.’s body. The manner of death was determined to be a homicide, i.e., the killing of one human being by another, as opposed to suicide or death by natural causes. Testing of T.G.’s blood revealed that he had no drugs in his system at the time of his death.

#### *LAB RESULTS*

A gunshot residue kid processed on Giuliano at the scene was tested by the Forensic Laboratory and confirmed that he did fire a weapon. The Glock model 21C .45 caliber handgun was test fired and determined to be operable.

### ***ADDITIONAL INFORMATION***

As part of the investigation the State Police interviewed people who knew T.G., neighbors and family members. Jeffrey Giuliano cooperated fully with the investigation.

T.G. does not match the description of the intruder believed to be responsible for the prior burglary and sexual assault in the town. He is not a suspect in that crime or any other. Even with the State Police investigation into this issue, no motive was discovered for why T.G. was attempting to enter the home at 7 Meetinghouse Hill Circle.

### **APPLICABLE LAW**

The relevant statute pertaining to this incident is C.G.S. 53a-19.

C.G.S. 53a-19 (a) states in relevant part:

“[A] person is justified in using reasonable physical force upon another person to defend himself . . . from what he reasonably believes to be the use or imminent use of physical force, and he may use such degree of force which he reasonably believes to be necessary for such purpose; except that deadly physical force may not be used unless the actor reasonably believes that such other person is (1) using or about to use deadly physical force, or (2) inflicting or about to inflict great bodily harm.”

C.G.S. 53a-19 (b) states in relevant part:

“Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using deadly physical force upon another person if he or she knows that he or she can avoid the necessity of using such force with complete safety (1) by retreating . . . .”

### **STATE’S ATTORNEY’S FINDINGS**

Applying the law to the facts of this case, I find that Jeffrey Giuliano reasonably believed that T.G. presented him with the threat of imminent death or great bodily harm. Additionally, I find that Giuliano reasonably believed that deadly force against T.G. was necessary to defend himself. I further find that it would not have been possible for him to know whether he could retreat with complete safety to avoid shooting T.G.<sup>2</sup>

Giuliano was aware that there had been a recent sexual assault in New Fairfield and that the perpetrator was still at large. He was awakened in the middle of the night and informed by his

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<sup>2</sup> It should be noted, additionally, that T.G. being found in possession of a knife, and not a firearm, does not change the findings. The best information that Giuliano had was that the subject had a gun or a knife, either of which could have caused serious bodily harm or death.

sister that there was a potential intruder attempting to enter her home. His sister's suspicion was confirmed when he observed a subject working the lock on her front door. The subject was dressed in all black and wearing a ski mask in an apparent attempt to hide his identity, which is consistent with someone who is about to engage in illegal activity. The subject noticed Giuliano, and instead of retreating, began advancing towards him despite Giuliano's instructions to "freeze." The subject then growled at him in an aggressive manner suggesting that a physical altercation was imminent. Bolstering Giuliano's fear of an imminent physical altercation was the subject's possession of a small metallic object in his hand. The dim lighting prevented Giuliano from determining whether the object was a gun or a knife; however, the subject refused to drop the object upon being instructed to do so. Furthermore, he kept advancing towards Giuliano who was roughly 15 yards away and well within the reach of a potential bullet strike if the subject had been armed with a gun and fired at him.

Under these circumstances, where Giuliano observed a disguised subject, who had been attempting to break into his sister's home just moments earlier, aggressively advancing towards him armed with a gun or a knife, he reasonably believed that the subject presented the imminent threat of death or great bodily harm and that the use of deadly force was necessary to defend himself. Finally, because of the close distance between the subject and himself, it would not have been possible for Giuliano to know whether he could retreat with complete safety to avoid shooting the subject.

This state's attorney thanks the Connecticut State Police Western District Major Crime Squad and lead investigator Detective William Flynn, Connecticut State Police Central District Major Crime Squad van unit and case officer Trooper Christopher Fongemie for their investigations and Assistant State's Attorney Sean McGuinness for his review of the investigation and initial drafting of this report.

## **CONCLUSION**

Because Jeffrey Giuliano's use of deadly force was justified under C.G.S. Sec. 53a-19, no further action will be taken by the Division of Criminal Justice as a result of this incident.

Dated at Danbury, Connecticut, this 14<sup>th</sup> day of March, 2014.

**STEPHEN J. SEDENSKY III**  
**STATE'S ATTORNEY**  
**JUDICIAL DISTRICT OF DANBURY**